

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE CIRCUIT COURT ON APPEAL
FROM THE SOUTH CAROLINA
PROCUREMENT REVIEW PANEL

STEPP MANUFACTURING CO.)

SCPRP Case No. 2005-9

Appellant,)

v.)

Case No. 2006-CP-40-00432

SOUTH CAROLINA)
DEPARTMENT OF)
TRANSPORTATION)

Respondent.)

ORDER

RICHLAND COUNTY
FILED
2008 FEB -5 AM 9:30
BARBARA A. SCOTT
C.C.C. & G.S.

This matter came before this Court for a hearing on January 10, 2008, on a Motion to Enforce Order by the Respondent South Carolina Department of Transportation. At the hearing before this Court, Michael Montgomery, Esquire, represented Appellant Stepp Manufacturing, and Amanda Turbeville Taylor, Esquire, represented Respondent.

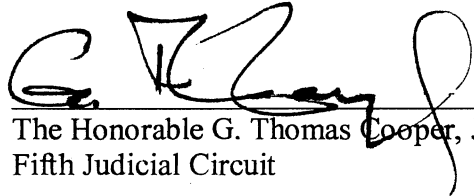
Respondent made this Motion to Enforce on the basis that Appellant has failed to act on this Court's previous Order issued June 1, 2007, which required Appellant to retrieve defective equipment from Respondent and refund Respondent's purchase price of \$74,575. As of the date of the motion hearing, Appellant had not met either requirement. Respondent requested that the Court allow Respondent to market and sell the subject equipment for a reasonable price pursuant to South Carolina's laws on government surplus property, apply the proceeds of sale to the amount owed by Appellant, file a report and accounting with the Court of the proceeds of sale, and enter a judgment against Appellant for the balance due.



Appellant's attorney stated at the hearing that, although he did not have his client's authority to consent to Respondent's motion, he could not protest the motion because Respondent is clearly entitled to the relief granted by this Court's previous Order.

Based upon the foregoing, the Respondent's Motion to Enforce Order is granted.

AND IT IS SO ORDERED.



The Honorable G. Thomas Cooper, Jr.
Fifth Judicial Circuit

January 30, 2008
Columbia, South Carolina

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2006CP4000432

IN THE COURT OF COMMON PLEAS

Stepp Manufacturing Co

vs.

South Carolina Department Of Transportation

Plaintiff

Defendant

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy: ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

IT IS ORDERED AND ADJUDGED:

☒ See attached order;☐ Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2008.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2008, and a copy mailed first class this 6th day of Feb, 2008, to attorneys of record or to parties (when appearing pro se) as follows:

Michael H. Montgomery

ATTORNEY(S) FOR THE PLAINTIFF(S)

Ester Ferguson Haymond
Keith C McCook
Amanda Turbeville Taylor

ATTORNEY(S) FOR THE DEFENDANT(S)

S/ BARBARA A. SCOTT

Clerk of Court